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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,490	12/10/2004	Iwao Yamazaki	04173.0461-00000	5583
22852	7590	10/23/2009	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			HOEKSTRA, JEFFREY GERBEN	
		ART UNIT	PAPER NUMBER	
		3736		
		MAIL DATE	DELIVERY MODE	
		10/23/2009	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/517,490	YAMAZAKI ET AL.	
	Examiner	Art Unit	
	JEFFREY G. HOEKSTRA	3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 April 2009.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,5 and 6 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-3,5 and 6 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 10 December 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>07/07/2009</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Notice of Amendment

1. In response to the amendment(s) filed on 07/07/2009, amended claim(s) 1 and 3 is/are acknowledged. The current rejections of the claim(s) 1-3, 5, and 6 is/are withdrawn. The following new and/or reiterated grounds of rejection are set forth:

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawanishi (US 6,643,542 B1).

4. In regards to claim 1, Kawanishi discloses a display equipment (10) for displaying the characteristics of a body including the muscle mass of the body (abstract and column 7 lines 1-8 and lines 44-46), the display equipment comprising *inter alia*:

- a belt (e.g. the elongated region defined by elements 1 and 9 having distinctive properties of characteristics) (as best seen in Figure 1) including a plurality of pairs electrodes (3a, 3b, 3c, 3d, 6a, 6b, 6c, and 6d) (as best seen in Figures 1 and 2) for contacting the surface of the body (column 4 line 47 – column 5 line 12 and column 5 lines 25-64) (as best seen in Figure 1);

- means for measuring impedance of the body (11) (as best seen in Figure 2) by feeding a measuring current through said plurality of electrodes into the body (column 4 line 47 – column 5 line 12 and column 5 lines 25-64);
- a memory (15) (as best seen in Figure 2) for storing personal information into the display equipment (column 6 line 56 – column 7 line 20) including gender, age, height, and body weight (column 4 lines 34-40 and column 6 line 56 – column 7 line 20);
- means for calculating muscular weight (12) (as best seen in Figure 2) (column 6 line 56 – column 7 line 60) of the body on the basis of the measured impedance and said personal information put into the display equipment (column 6 line 56 – column 7 line 60) (as best seen in Figures 3-7);
- means for judging the somatotypes of the body (14) (as best seen in Figure 2) (column 6 line 56 – column 7 line 60), the somatype being classified on the basis of a correlation between the value of muscular weight and the body weight (column 2 lines 41-43, column 7 line 33 – column 8 line 25 and column 8 line 63 – column 9 line 9) (as best seen in Figures 3-7); and
- a display (5) (as best seen in Figure 1) for indicating the somatotype as judged by said judging means (column 4 lines 29-47 and column 7 lines 1-8) (as best seen in Figures 3-7).

5. In regards to claim 2, Kawanishi discloses the display equipment, wherein the personal information includes gender and age (column 4 lines 34-40 and column 6 line 56 – column 7 line 20) (as best seen in Figure 4).

6. In regards to claim 3, Kawanishi discloses the display equipment, wherein said memory records the muscular weight of the body (column 6 line 56 – column 7 line 60), as data calculated on the basis of the impedance as measured (column 6 line 56 – column 7 line 60), and wherein said display indicates the data as calculated (column 4 lines 29-47 and column 7 lines 1-8) .

7. In regards to claims 5 and 6, Kawanishi discloses the display equipment, wherein the equipment can, may, or has the possibility to feed a pulsed current through said plurality of electrodes into the body, so as to treat the body (column lines 61-65, column 5 lines 5 lines 30-60). The Examiner notes claims 5 and 6 do not require the display equipment to pulse current through the body via the electrodes for treatment of the body; conversely, the claims positively recite merely that the display equipment "can".

Response to Arguments

8. Applicant's arguments with respect to claims 1-3, 5, and 6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY G. HOEKSTRA whose telephone number is (571)272-7232. The examiner can normally be reached on Monday through Friday 8am to 5pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571)272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey G Hoekstra/
Examiner, Art Unit 3736

/Max Hindenburg/
Supervisory Patent Examiner, Art Unit 3736